



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3009396
Applicant Name: Randall Spaan for Shilshole Development
Address of Proposal: 40 Florentia

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a new three unit, three-story, residential structure in an environmentally critical area (Landslide-prone). Parking for five vehicles is to be provided on site (two surface spaces and three spaces within the new multifamily structure). Two existing single family residential structures will remain. Construction of the project includes demolition of a garage and 490 cubic yards of grading. A five unit lot subdivision is anticipated as part of this project.

The following approval is required:

SEPA - Environmental Determination – (Chapter 25.05, Seattle Municipal Code)

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

Located two blocks southwest of the Ship Canal, on the north side of Queen Anne Hill, the 7,217 square foot subject site is zoned multi-family Lowrise 1 (L-1). The development site includes two underlying lots previously developed with two single family structures (at 38 Florentia and 40 Florentia), which will remain. A recent Lot Boundary Adjustment (DPD project 3009521)

combined the lots and added a portion of the lot to the west to the development site. The parcel has 54 lineal feet of frontage on the dedicated right-of-way, Florentia Street, abutting the south property line which is improved with curb, gutter and sidewalk. However, vehicle access is taken from the 16 foot asphalt alley along the north property line. The property slopes down to north.

The entire site is mapped as an Environmentally Critical Area (ECA), Landslide-prone (as are surrounding properties) and recommendations for construction were made in the geotechnical report by Dennis Bruce, P.E. dated May 19, 2008.

The surrounding area is zoned residential, changing to single family (SF5000) south of Florentia, lowrise multifamily (L-1) to the southeast, lowrise multifamily (L-2) to the west of Queen Anne Ave. N. and to lowrise multifamily (L-3) to the north of the shared alley, which transitions to commercial (C2-40) to the northeast along the arterial Nickerson Street. The property abutting the subject site to the east has been recently redeveloped with a multifamily structure. Many other multi-family buildings are also located in the immediate area surrounding the subject site including condominiums, apartment buildings and townhouses. The property to the west is developed with a single family structure which is common on many properties in the surrounding multifamily zones. A Public School is located one block west of the subject site.

Proposal

The applicant proposes removal of an existing garage, to allow for construction of one multifamily building with three units and retention of the two existing single family structures for a total of five units on the lot. Parking for three vehicles located within attached garages and two surface parking spaces will be included. The existing single family structures are located along Florentia Street and the new three unit structure will be built behind (to the north) the single family structures, closer to the alley.

Public Comments

The public comment period began on December 4, 2008 and ended on December 17, 2009. During the comment period DPD received a request for an artist's rendition of the proposed development for review, with regard to height, bulk and scale and related changes in views. The comment letter also raised concern about the impact of the proposed development on the cost of housing in the neighborhood and increased density.

With regards to the cost of housing, market rates are set by the private real estate market however the SEPA Housing policy (SMC 25.05.675.I) does encourage preservation of low-income housing. With regard to density the SEPA Land Use policy (SMC 25.05.675.J) intends to ensure that uses are reasonably compatible and consistent with the adopted Comprehensive Plan or refers to subsequent SEPA policies that address specific impacts. The proposed development is consistent with the adopted Comprehensive Plan designation (multifamily). SEPA policy on height, bulk and scale and view protection will be discussed further in the Analysis section of this Decision.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated July 14, 2008). This information was supplemented with a geotechnical report prepared by Dennis Bruce, P.E. dated May 19, 2008. The information in the checklist, the geotechnical report and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The site of the proposed action is mapped as an environmental critical area (ECA), Landslide-prone, and the structures will be engineered to address the site conditions and meet ECA code (SMC 25.09.080) requirements. The Applicant's geotechnical study (prepared by Dennis Bruce, P.E., dated May 19, 2008) has made specific recommendation for the type and method of construction. An ECA covenant for Landslide-prone was recorded December 15, 2009.

In addition, both the Stormwater, Grading and Drainage Control Code (SMC 22.800-802 and SMC 22.170), and the Seattle Building Code have prescriptive provisions and conditioning authority (such as bonding and insurance if needed) for grading, excavation, erosion and stormwater control. The Building Code also addresses construction measures and life safety issues. The Noise Ordinance will regulate work practices' and equipment operation that generate sounds that migrate off-site.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Further discussion is warranted to identify any additional mitigation that may be required.

Short-term Impacts

Expected short term impacts include: increased noise levels due to construction activity and increased on-street parking demand related to construction: and possible erosion or earth movement related to grading work. A short term increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality are also expected as a result of construction activity.

Earth

Prescriptive grading and erosion control measures in the Stormwater, Grading and Drainage Control Code (SMC 22.800 – 802 and 22.170) and the Seattle Building Code (such as bonding or prescriptive requirements for the height and slope of cuts) along with implementation of the recommendation found in the geotechnical report (prepared by Dennis Bruce, P.E. dated May 19, 2008) are expected to be adequate to control potential erosion or earth movement associated with the 480 cubic yards of excavation required as part of the proposed project.

Earth work, including excavation and fill for the project, will involve approximately 490 cubic yards of grading (480 cubic yards of excavation and 10 cubic yards of fill). The Seattle Municipal Code (SMC 11.74.160) states that material hauled in trucks shall be loaded so no debris falls onto the street during transport. Best management practices (BMP's) for erosion control such as: keeping truck loads below the rim of the bed of the transport trucks; covered loads; and "direct loading" to trucks from the construction entrance by excavation equipment will prevent the transport truck from tracking soil off-site. The Seattle Municipal Code (SMC 11.62.060) also requires any trucks or trailers used for hauling to use major arterials when possible and take the most direct route to and from the subject site.

Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methods to assure safe construction practices are followed, therefore no additional conditioning for erosion control or earth movement is warranted pursuant to SEPA policies.

Construction Impacts

Construction activities including construction worker commute trips, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant as defined by the SEPA ordinance.

The proposal site is near several major arterials and traffic impacts associated with the hauling of debris will be of short duration and mitigated by enforcement of SMC 11.62.and SMC 11.74, for the removal and disposal of the spoil materials.

Parking by construction workers during construction could adversely impact the availability of on-street parking. Per adopted parking and trespass ordinances, the owner and/or responsible party is required to assure that construction vehicles and equipment are only parked on the subject site, on off-site private property if owners have expressly granted permission or in legally established on-street parking spaces and that no private driveways or public right-of-ways are blocked without proper approval and notification. This impact is not expected to be significant (as defined by SEPA) and no further conditioning pursuant to SEPA authority is warranted.

Noise

In residential areas (considered "sensitive receptors" of noise impacts) mitigation in addition to the City Noise Ordinance, is required. The project, as conditioned by this Decision, will provide for restricted work hours that will be limited to non-holiday week days. These conditions will be posted at the construction site for the duration of construction activity. The authority to impose this condition is found in Section 25.05.675.B.2.g of the Seattle SEPA ordinance.

Long-term Impacts

Long Term impacts expected as a result of the proposed project together with the subsequent unit lot subdivision include: increased stormwater run-off and reduced on site infiltration due to increased impervious surfaces; additional vehicle trips to and from the site; and increased demand on public services and utilities.

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant, as defined by the SEPA ordinance, due to the relatively minor contribution of greenhouse gas emissions from this project.

The Stormwater Code (SMC 22.800 - 802) now requires onsite infiltration to the maximum extent possible including use of methods such as detention ponds, bioswales or green roofs. Stormwater, if it cannot be infiltrated on site, will be directed to approve conveyance, detention or infiltration infrastructure.

The expected long-term impacts are typical of residential development and are expected to be mitigated by the City's adopted codes and/or ordinances. The public use and interest are served by the proposal when all subdivision criteria are met and the proposal creates the potential for additional housing opportunities in the City. The subdivision will be required to show provisions for vehicular access, public and private utilities and access (including emergency vehicles), drainage control, water supply and sanitary sewage disposal for each lot. Code requirements set the standards to be applied for the required infrastructure for the proposed housing units and the subsequent division of land. The impacts from the proposed development will be adequately addressed by existing code and conditions of this Decision.

Earth

The proposed development will take place on a sloped lot. The slope is less than a 40% slope and is not regulated as a steep slope in Seattle Municipal Code. The site of the proposed action is however mapped as an environmental critical area ((ECA), Landslide-prone (SMC 25.09.080). SEPA Policy with regard to Earth (SMC 25.05.675.D) states that projects on sites designated as Environmentally Critical Areas may be conditioned to reduce the size or scope of operations, require additional stabilization measures (above and beyond the prescriptive code noted above) or require landscaping.

A covenant requiring disclosure of this condition is required and has already been recorded. There are landscaping requirements applied to multifamily development which will contribute to the stabilization of the site. Prescriptive Building and Stormwater and Grading code requirements and the recommendations made in the geotechnical engineers report (prepared by Dennis Bruce, P.E. dated May 19, 2008) for the methods and type of construction appropriate to the site along with the conditions of this Decision to fully install all of the required landscaping prior to final inspection approval of the building permit are sufficient to mitigate the potential impact of the earthwork associated with the project.

Views

Public comment suggests that existing views will be obscured by the proposed development. Code (SMC 25.05.675.P) states that SEPA policies are intended to protect view corridors on public sites (such as roads that end at regulated bodies of water and some limited view corridors across Commercial or Industrial lands. SEPA policies do not protect private views.

Height, Bulk and Scale

Public comment was concerned with the impacts to views from the height and bulk of the new multifamily structures on the site. The stated intent of the SEPA policy (SMC 25.05.675.G) with regard to height and bulk is to provide transition between different zones (i.e. between residential and commercial zoning). Given that the site is identified as suitable for multi-family development in the Comprehensive Plan and is zoned multifamily (on the adopted Land Use Map) and that development standards, including those for height, building modulation and for setbacks will be applied to the proposed construction of the three unit townhouse, no additional mitigation pursuant to SEPA authority are warranted.

Summary

Based on the information in the SEPA checklist, findings of DPD's review and the report and recommendations of Dennis Bruce, P.E. dated May 19, 2008 the scale of the impacts that have been identified are not considered significant (as defined in SMC 25.05.794 and described in SMC 25.05.330 and applied to the threshold determination required by RCW 43.21.C).

City codes and State regulations for grading, erosion control, noise, air and stormwater control and parking as they apply to the project or as conditioned as part of this decision, along with the implementation of the recommendations offered in the Dennis Bruce, P.E. (dated May 19, 2008) are expected to control and mitigate the identified impacts.

The application of adopted Environmentally Critical Area code, specifically 25.09.080 for Landslide-prone critical areas (including stabilization, vegetation and a recorded Covenant requiring disclosure) and conditions of this Decision for work in the ECA are adequate to address the protection of the ECA, Landslide-prone, on the subject site..

DECISION - SEPA

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal, with implementation of the conditions of approval (below), has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

During Grading or Construction Permit

1. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7 a. m. to 6 p. m. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 a. m. and 6 p. m. once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Prior to Final Inspection Approval

2. Prior to final inspection approval of the building permit by the Building Inspector all landscaping as required on the approved construction plans shall be in place.

Signature: _____ (signature on file) Date: June 3, 2010
Justina Guyott, Land Use Planner
Department of Planning and Development

JG:bg

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